

JAN 26 2007

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SETH JAYE CLARK,)
Petitioner,) Civil Action No. 7:06CV00210
)
v.)
)
UNITED STATES OF AMERICA,)
Respondent.) ORDER
)
) By: Hon. Glen E. Conrad
) United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

that the respondent's motion to dismiss is **DENIED** as to the petitioner's claim that his attorney was ineffective for failing to file a notice of appeal. The respondent is directed to file a response to the merits of this claim within twenty (20) days.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 26th day of January, 2007.

Glen E. Conrad

United States District Judge